



## **Policy Guide Related to Implementation - Americans with Disabilities Act** Motorized Wheelchairs, Mobility Scooters and Other Power Driven Mobility Devices

### *Summary Statement*

#### **CONTACT INFORMATION:**

For park areas that are not covered by this document, or if you have questions or would like to obtain an annual OPDMD user tag, please contact Three Rivers Park District Administrative Center 763.559.9000, 3000 Xenium Lane N. - Plymouth, MN 55447 or [access@threeriversparkdistrict.org](mailto:access@threeriversparkdistrict.org).

For specific information about trails and trail conditions, contact the park you are interested in visiting. See [www.threeriversparks.org/parks.aspx](http://www.threeriversparks.org/parks.aspx)

#### **I. GENERAL GUIDELINES:**

- Operators of all mobility devices must adhere to Park District **Ordinances**.
- **Mobility devices must be electric powered only.**
- Other guidelines apply - see below for more detail. Operators of all mobility devices are responsible for reviewing these guidelines before using mobility devices in the parks.

#### **II. MOTORIZED WHEELCHAIRS OR MOBILITY SCOOTERS**

**Wheelchairs and mobility scooters** can be used in areas open to pedestrians. Special use passes are not required for these devices. Individuals should check on seasonal closings of areas and trails and for conditions of trails and other use areas to make an informed decision about whether devices can be safely used. For the most current information about conditions, we recommend calling the park you plan to visit. Park phone numbers can be found with the individual park listings on the Park District's web site: [www.threeriversparks.org/parks.aspx](http://www.threeriversparks.org/parks.aspx)

#### **III. OTHER POWER-DRIVEN MOBILITY DEVICES**

The Park District allows appropriate **OPDMDs** in parks and trails to assist persons with mobility disabilities to more fully enjoy park areas, facilities and trails. In order to provide credible assurance of their need for an OPDMD, users are expected to display or carry a state-issued disability parking placard or card, OR a Three Rivers Park District OPDMD tag which is available at no charge.

**Specific guidelines apply to the following park facilities. Please check these guidelines before using an OPDMD:**

- Buildings
- Regional Trails and Paved Park Trails
- Horse Trails, Nature Center/Interpretive Trails, Non-Paved Hiking Trails
- Mountain Bike/Singletrack Trails
- General Recreation Areas
- Golf Courses
- General Winter Trails
- Cross-country Ski Trails
- Snowmobile Trails
- Downhill Winter Recreation Areas



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## **Park District Operational Policy: Motorized Wheelchairs/Mobility Scooters and Other Power Driven Mobility Devices (OPDMDs)**

6.28.11

### **INTRODUCTION**

*Implementing U. S. Department of Justice (DOJ) Amendment to the Americans with Disabilities Act (ADA) Regulations Regarding the Use of Wheelchairs and Other Power Driven Mobility Devices 28 CFR part 35*

[www.ada.gov](http://www.ada.gov)

Effective March 15, 2011, the Department of Justice (DOJ) revised rules regarding the use of "other power-driven mobility devices" (OPDMDs) to be used by "individuals with mobility disabilities" in public places such as the Park District buildings, facilities, and trails. The Park District, as well as other public agencies around the country, will allow appropriate OPDMDs in parks and on trails to assist persons with mobility disabilities to more fully enjoy park areas, facilities and trails.

The Park District has completed an assessment of all trails and public facilities within the system to determine any limitations on OPDMDs, identify the areas where they are permitted, describe the characteristics of allowed devices, and establish rules for safe use.

#### Definitions:

**Motorized wheelchairs or mobility scooters** means manually-operated or power-driven devices designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion. (Americans with Disabilities Act §35.104)

**Other power-driven mobility device (OPDMD)** means any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by an individual with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section. (Americans with Disabilities Act §35.104 and §36.104)

**Disability** means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (Americans with Disabilities Act §35.104).



#### Assessment Factors:

In accordance with the DOJ, the following assessment factors have been used to determine whether a particular OPDMD can be allowed within a specific facility as a reasonable accommodation:

- (i) – size, weight, dimensions and speed of the device
- (ii) – the facility’s volume of pedestrian traffic
- (iii) – the facility’s design and operational characteristics
- (iv) - whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility;
- (v) - the potential for serious harm to environmental, natural and cultural resources.

#### Inquiry into use of OPDMD:

Three Rivers Park District reserves the right to ask a person using an OPDMD to provide credible assurance that the mobility device is required because of disability. Credible assurance includes a valid, State-issued disability parking placard or card, other State-issued proof of disability or Three Rivers Park District OPDMD user tag. In lieu of these items, the Park District shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.

#### Inquiry about disability:

Three Rivers Park District will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual’s disability.

#### **CONTACT INFORMATION:**

For park areas that are not covered by this document, or if you have questions or would like to obtain an annual OPDMD user tag, please contact Three Rivers Park District Administrative Center 763.559.9000, 3000 Xenium Lane N. Plymouth, MN 55447 or [access@threeriversparkdistrict.org](mailto:access@threeriversparkdistrict.org).

For specific information about trails and trail conditions, contact the park you are interested in visiting. See [www.threeriversparks.org/parks.aspx](http://www.threeriversparks.org/parks.aspx)

#### **PARK DISTRICT OPERATIONAL POLICY ON MOBILITY DEVICES**

##### **I. GENERAL GUIDELINES:**

- A. Operators of all mobility devices must adhere to Park District **Ordinances** for their safety, the safety of other park users and for the protection and preservation of the property, facilities, and natural resources of the Park District.
- B. **Mobility devices must be electric powered only.** The exclusion of gas-powered devices as compared to electric-powered devices is due to several factors:
  - o Park District Ordinance prohibits any vehicles that emit excessive or unusual noise, noxious fumes, dense smoke, or other pollutants.
  - o The noise of gas-powered devices produces a significant zone of disturbance to the activities of native wildlife.
  - o The noise and excessive fumes of gas-powered devices negatively impact the experience of other park visitors.



- Gas emissions from small engines emit high levels of carbon monoxide, a colorless, odorless, poisonous gas which is known to negatively affect human and plant health.
- C. Mobility devices are not permitted in areas of the park that are closed, designated as “staff only” or identified as protected.
- D. The use of mobility devices must not damage natural and/or cultural resources or wildlife habitat.
- E. Operators of mobility devices, and the devices themselves, must have the capacity to safely negotiate trail features and obstructions.
- F. The Park District does not accept responsibility for storage of mobility devices.
- G. The Park District does not accept liability for damage to mobility devices, stuck vehicles, or injury to operator whether caused by the operator, another visitor, or the trail conditions.
- H. The Park District does not accept liability for damage caused by the operator of the device, or injury to others caused by the operator of the device.
- I. The Park District reserves the right to suspend use of facilities or sites by the operator if doing so is in the best interests of the Park District.
- J. The Park District reserves the right to change, modify, or amend this policy at any time.

## **II. MOTORIZED WHEELCHAIRS OR MOBILITY SCOOTERS**

**Wheelchairs and mobility scooters** can be used in areas open to pedestrians (Americans with Disabilities Act 35.104 and 36.104). Special use passes are not required for these devices. Individuals should check on seasonal closings of areas and trails and for conditions of trails and other use areas to make an informed decision about whether devices can be safely used. Trails may have irregular tread widths and may not include trail shoulders. There could be trees or other natural obstacles close to the trail corridor, and trails could be eroded or muddy. There may be trail boardwalks or bridges that make traversing with a wheelchair or mobility scooter more challenging or impassable at times. For the most current information about conditions, we recommend calling the park you plan to visit. Park phone numbers can be found with the individual park listings on the Park District’s web site: [www.threeriversparks.org/parks.aspx](http://www.threeriversparks.org/parks.aspx)

## **III. OTHER POWER-DRIVEN MOBILITY DEVICES**

Effective March 15, 2011, the Park District will allow appropriate **OPDMDs** in parks and trails to assist persons with mobility disabilities to more fully enjoy park areas, facilities and trails. In order to provide credible assurance of their need for an OPDMD, users are expected to display or carry a state-issued disability parking placard or card, OR a Three Rivers Park District OPDMD tag which is available at no charge.



### **Park Facility and Trail Assessments and Restrictions:**

Park facilities and trails can be categorized into **five** different types, with specific limitations and justifications as listed below:

#### **A) Buildings**

Description: All park public and office buildings.

DOJ Assessment Factors:

- (i) – size, weight, dimensions and speed of the device
- (ii) – the facility's volume of pedestrian traffic
- (iii) – the facility's design and operational characteristics

OPDMDs Allowed/Restrictions:

- OPDMDs allowed within buildings include Segways or similar vehicles, no wider than 32 inches.
- Must be operated in a manner that does not compromise the safety of the user, pedestrians, the building occupants, or the facility infrastructure.

#### **B) Regional Trails and Paved Park Trails**

Description of Trails: These trails are designed to AASHTO bicycle trail standards intended for a variety of pedestrians, bicycles, and other non-motorized trail devices. The trail surface is paved or limestone. These trails accommodate two-way traffic and are generally 8 to 10-foot wide with a 2 to 3-foot wide non-paved shoulder. The Park District currently has 280 miles of in-park paved trails and 105 miles of regional trails. Trail use can be heavy depending on location of trail, day of the week, and time of day. Annually, over 3.5 million visitors use these trails. Pets on a leash are allowed on all paved and regional trails.

DOJ Assessment Factors:

- (i) – size, weight, dimensions, and speed of the device
- (ii) – the facility's volume of pedestrian traffic
- (iii) – the facility's design and operational characteristics

OPDMDs Allowed/Restrictions:

- No wider than 48 inches to allow for safe passing of other OPDMDs, bicycles, dogs on leash, and pedestrians.
- Length restriction: Must allow for safe passing and turning on trails.
- Speed – Unlawful to operate "at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area." (Park District ordinance Chapter VI: Section 7d - current ordinance related to bicycling)
- Speed – In no case can an OPDMD be operated in excess of 20 mph.

#### **C) Turf or Wood-chip Trails**

Description of trails: The Park District has a variety of other seasonal use trails where pedestrian access is granted that may also be suitable for use with an OPDMD. Some of the trails are restricted to pedestrian use only, but the horse trails and singletrack trails have other primary purposes. Trail tread width varies depending on



trail type, but generally, these trails have irregular tread widths and do not often include trail shoulders. The intent of these trails is to provide an intimate experience in nature; therefore, trees or other natural obstacles may be located close to the trail corridor, and trails could be eroded or muddy. There may be trail boardwalks or bridges that make traversing with an OPDMD more challenging or impassable at times.

## **1) Horse trails, nature center/interpretive trails, non-paved hiking trails**

### DOJ Assessment Factors:

- (i) - size, weight, dimensions and speed of device
- (iii) - the facility's design and operational characteristics
- (v) - the potential for serious harm to environmental, natural and cultural resources.

### OPDMDs Allowed/Restrictions:

- No wider than 32 inches to allow for safe passing of other OPDMDs, pedestrians, and horses on horse trails.
- Length restriction: Must allow for safe passing and turning on trails.
- Speed restriction: No faster than a pedestrian, generally 7 mph or less.

## **2) Mountain Bike/Singletrack Trails**

Description: Singletrack trails are narrow, natural surface trails that vary from 24 inches to 48 inches in width with a number of tighter spots. Rocks, logs and other obstacles up to 8 inches tall will be encountered along the trail. The packed soil surface is usually firm and fairly smooth; however, conditions may vary by trail section and as weather conditions change. The trail will be closed temporarily when wet weather results in soft conditions that leave the trail vulnerable to damage from user traffic.

The 2-mile adaptive-use section of the Elm Creek Singletrack trail is designed to be accessible for adaptive 3- and 4-wheeled mountain bikes. This trail averages 4 feet in width, narrowing in places to 36 inches.

### DOJ Assessment Factors:

- (i) - size, weight, dimensions and speed of device
- (iii) - the facility's design and operational characteristics
- (v) - the potential for serious harm to environmental, natural and cultural resources.

### OPDMDs Allowed/Restrictions:

- The singletrack adaptive trail at Elm Creek can accommodate three and four wheeled OPDMDs.
- On all other singletrack trails, the width of the vehicle should be similar to a two-wheeled bicycle to allow for safe navigation of the trail as well as passing of other OPDMDs, pedestrians, and mountain bikes on wider sections.
- Adaptive bicycles or other OPDMDs must have a wheel size greater than 20 inches to accommodate the terrain of a singletrack trail.



- Weight restriction: Vehicles must not be heavy enough to leave rut marks or have the power to spin wheels due to the high likelihood that trail rutting and erosion would occur from their use.
- Length restriction: Must allow for safe passing and turning on trails.
- Speed restriction: Unlawful to operate "at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area." (Park District ordinance Chapter VI: Section 7d - current ordinance related to bicycling). In no case should the OPDMD be operated at a speed in excess of 20 mph.

## **D) Recreation Areas and Facilities**

### **1) General Recreation Areas**

Description: The Park District has a variety of recreation areas and facilities where pedestrian access is granted that may also be suitable for use with an appropriate OPDMD. Examples of areas and facilities include picnic areas, campgrounds, beaches, off-leash dog areas, archery ranges and disc golf.

DOJ Assessment Factors:

- (i) - size, weight, dimensions and speed of device
- (iii) - the facility's design and operational characteristics
- (v) - the potential for serious harm to environmental, natural and cultural resources.

OPDMDs Allowed/Restrictions:

- No wider than 32 inches to allow for safe passing of other OPDMDs and pedestrians.
- Length short enough and width narrow enough to allow for safe passing of other OPDMDs and pedestrians.
- Vehicle weight and OPDMD tire design must not damage trail or area surface.
- Speed restriction: No faster than a pedestrian, generally 7 mph or less.

### **2) Golf Courses**

Description: The Park District operates 63 holes of golf and five driving ranges that provide for a variety of skill levels. Golf course turf is maintained at a high level to provide a quality golfing experience. Courses include steep slopes, bunkers and greens.

DOJ Assessment Factors:

- (i) - size, weight, dimensions and speed of device
- (iii) - the facility's design and operational characteristics
- (v) - the potential for serious harm to environmental, natural and cultural resources.

OPDMDs Allowed/Restrictions:

Due to the potential damage that may be caused by the weight of the vehicle and the tire tread as well as the need for a vehicle design that can safely navigate varied terrain, bunkers and greens, OPDMDs on Park District golf courses are limited to vehicles that are designed specifically for use on golf courses by persons with





mobility impairments. Specific questions regarding course terrain, features, and conditions and the suitability of the proposed OPDMD should be directed to the respective Golf Operations Supervisor.

## **E) Winter Trails**

### **1) General Winter Trails**

Description: Various packed or groomed surfaces designed for specific types of winter recreational activities including: snowshoe trails, winter multi-use (skijoring/dogsledding) trails, winter walking trails and singletrack trails for winter mountain biking.

DOJ Assessment Factors:

- (iii) the facility's design and operational characteristics
- (iv) whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility
- (v) the potential for serious harm to environmental, natural and cultural resources.

OPDMDs Allowed/Restrictions:

- **Vehicle weight and OPDMD tire design must not alter the character of the trail or degrade the trail for other users.**
- Length short enough and width narrow enough to allow for safe passing of other OPDMDs and pedestrians
- Speed restriction: No faster than a pedestrian, generally 7 mph or less.

### **2) Cross-country Ski Trails**

Description: The Park District operates 70 miles of cross-country ski trails that provide opportunities for both ski skaters and traditional skiers. Trails are groomed on a regular basis to ensure a quality skiing experience.

DOJ Assessment Factors:

- (iii) the facility's design and operational characteristics
- (iv) whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility
- (v) the potential for serious harm to environmental, natural and cultural resources.

OPDMDs Allowed/Restrictions:

- OPDMDs are not permitted on cross-country ski trails due to the damage that would be caused to the packed and groomed trail that would fundamentally alter the experience for other trail users.

### **3) Snowmobile Trails**

Description: Three Rivers Park District offers connecting links along snowmobile trail corridors in western Hennepin County but does not feature destination trails for loops inside our parks. Various trail connections can be found in seven of our parks.



There are roughly 40 miles of designated snowmobile trails, which are part of larger trail systems.

DOJ Assessment Factors:

(iv) whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility

OPDMDs Allowed/Restrictions:

- OPDMDs are not permitted on snowmobile trails due to concerns for the safety of the OPDMD user and the safety of other trail users.

**4) Downhill Winter Recreation Areas**

(includes Hyland Ski and Snowboard Area, Elm Creek Winter Recreation Area)

Description: Downhill ski areas provide opportunities for a variety of skill levels as well as a freestyle terrain area that includes jumps, ramps, half pipes, and other constructed or natural terrain features.

DOJ Assessment Factors:

(iii) the facility's design and operational characteristics

(iv) whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at the facility

OPDMDs Allowed/Restrictions:

- OPDMDs are not permitted at the downhill areas during the winter season due to concerns for the safety of the OPDMD user as well as the safety of other ski area users.

*August 3, 2011*